

**REMARKS**

Applicant notes with appreciation that claims 23-37, 43-46 and 50-57 are in allowable condition. Applicant also notes that claims 11-13, 15-17, 40 and 48 are objected to only as being dependent upon a rejected base claim, but such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claims 1, 38 and 47 have been specifically amended to include the limitation that at least some of the geometrically shaped members can be positioned and repositioned both in a side-by-side adjacent relationship to other shaped members and in a stacked adjacent relationship to other shaped members in a plurality of different configurations to simulate a plurality of different furniture items. This relationship between the predetermined geometrically shaped members is not possible with respect to the cited prior art as will be hereinafter explained. Claims 1, 38 and 47 have also been amended to recite that none of the shaped members are physically attached to each other to simulate a plurality of different furniture items.

In light of the cited prior art, as will be hereinafter further explained, Applicant has amended independent claims 1, 38 and 47 and Applicant has cancelled claim 9.

Claims 1, 5, 6, 9, 14, 18, 47 and 49 stand rejected as being anticipated by Croom U.S. Patent No. 5,509,720. The Croom patent discloses a kit comprising a series of blocks that have letters of the alphabet inscribed or formed on the various faces thereof and wherein the respective blocks can be assembled to form only a chair. Importantly, each of the blocks associated with Croom include attachment means associated with various faces of each block, the attachment means including the elongated slots 22 and elongated mating locking rails 24 as best illustrated in Fig. 3. Because of the attachment means associated with the Croom blocks, none of such blocks can be individually used to simulate a particular furniture item; and such

blocks must be physically attached to each other to form only one furniture item, namely, a chair.

The blocks of Croom have a very specific shape in order to form a very specific chair and, as such, cannot be positioned and repositioned both in a side-by-side relationship and in a stacked relationship so as to simulate other furniture items much less a plurality of different furniture items. It is not possible to both stack and horizontally position the specifically shaped Croom blocks in a plurality of different configurations to produce more than one furniture item. Also, importantly, as specifically further required by amended claims 1, 38, and 47, the predetermined geometrically shaped members of the present invention are not physically attached to each other in order to simulate the plurality of different furniture items. This is clearly not true of the Croom reference.

Claims 1, 2, 9, 10 and 47 stand further rejected as being anticipated by Bach et al U.S. Patent No. 5,910,037. The Bach reference discloses a toy building system wherein each piece likewise includes coupling means for attaching to each other or for attaching to a wall element or a bottom plate member as best illustrated in Figs. 7 and 8. Also, all of the various pieces associated with the Bach system are substantially box-like shaped fittings and such members are not capable of being positioned in both a side-by-side adjacent relationship to each other and in a stacked adjacent relationship to each other as illustrated in Figs. 2-6 of the present application so as to achieve a plurality of different furniture items. For example, in the embodiment illustrated in Fig. 6 of Bach, the members 2 and 3 must be physically attached to the members 1 in order to remain in the position as indicated in Fig. 6. The same is likewise true with respect to Fig. 7 wherein the wall element 7 must be used in order to achieve the arrangement illustrated therein. Still further, the same is likewise true with respect to the embodiment illustrated in Fig. 8 wherein again the wall element 7 must be used in order to simulate the particular furniture items

illustrated therein. The individual pieces of Bach are not capable of being positioned in any relationship relative to each other without physically attaching such members either to each other, or to the wall element 7. Importantly, none of the independent claims 1, 38 and 47 require that the predetermined shaped members must be physically attached to each other. In fact, quite to the contrary, each of the independent claims requires that there be no physical attachment of the shaped members of the present invention to each other in order to simulate said plurality of different furniture items. As a result, claims 1, 38 and 47 are clearly distinguishable over the cited Bach reference.

Also, importantly, claim 8 specifically requires that at least some of the plurality of shaped members include indicia associated with the exterior surfaces thereof such that when some of the shaped members are arranged in adjacent relationship to simulate a particular item, at least some of the exterior surfaces of each such shaped members simulating the particular furniture item will present substantially the same indicia for viewing. This is clearly not disclosed in either the Croom or Bach references. Although the Croom reference discloses letters of the alphabet on various surfaces of the blocks, a different letter is presented on each surface and it is not possible to position and reposition such blocks in the various side-by-side and stacked arrangements so as to present substantially the same indicia for viewing for a particular furniture item. This is possible with the present invention as clearly illustrated in Figs. 2-6 wherein the predetermined geometrically members can be positioned so that a wide variety of different visually attractive patterns, either coordinated or uncoordinated, can be achieved as desired. This includes upholstery patterns and other decorative arrangements other than letters of the alphabet. Clearly, the subject matter of claim 8 is patentable in and of itself over the cited Croom and Bach references.

Importantly, the plurality of predetermined geometrically shaped members as required by independent claims 1, 38 and 47 must be such that at least some of these geometrically shaped members can be positioned and repositioned both in a side-by-side relationship and in a stacked relationship adjacent to each other in a plurality of different configurations, not just one configuration as taught by Croom, in order to simulate a plurality of different furniture items. Also, importantly, none of the geometrically shaped members of the present invention are physically attached to each other in order to simulate the plurality of different furniture items. This is clearly different and distinguishable over the cited prior art references. The same is likewise true under Section 103 even if Croom and Bach are taken in combination with each other. Although the Examiner has taken the position that the different types of shaped members and/or different types of indicia set forth thereon is considered to be obvious design choices, none of the prior art references disclose such an arrangement. It is respectfully submitted that the specific selection and arrangement of the predetermined geometric shaped members as well as the specific arrangement of the indicia thereon is important to produce the simulated effect as disclosed and claimed in the present application. Although use of the letters of the alphabet on building blocks is well known, other indicia as represented in the present application is not made obvious by the cited prior art references.

It is now believed that all of the rejected claims still pending in the present application, namely, claims 1-8, 9-22, 38-42, and 47-49, contain limitations and restrictions which patentably distinguish them over the cited prior art. Claims 23-27, 43-46 and 50-57 have already been indicated as being allowable. As a result, none of the cited references, either alone or in any combination thereof, disclose or suggest all of the novel features associated with the present invention, either in a system format (claim 1), a method format (claim 38), or in a kit format

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Amendment A

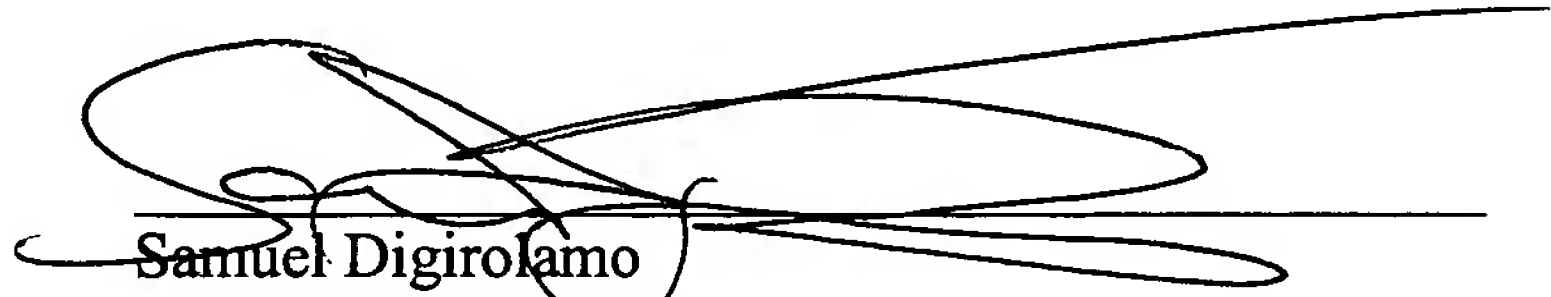
(claim 47), nor do the prior art constructions provide the specific advantages and objectives obtained by the present invention. Favorable action allowance of the claims is therefore respectfully requested.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: \_\_\_\_\_

8 Sept 05



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